

### REMARKS

The present application includes pending claims 1-33, all of which have been rejected. By this Amendment, claims 1, 13, 20 and 26 have been amended.

Claims 1-23 and 25-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0016971 ("Berezowski") in view of U.S. 2004/0125789 ("Parker"). Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Berezowski in view of Parker and U.S. 6,233,428 ("Fryer"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

Claim 1 recites, in part, "server software that maintains a user defined group of users comprising the first and second users, wherein the user defined group of users is closed and secure with respect to others that are not members of the user defined group of users, wherein a member within the user defined group of users can privately share media content with one or more other members within the user defined group of users," as amended. Independent claims 13, 20 and 26 have been amended in a similar fashion. The Applicants respectfully submit that Berezowski, by itself, or in view of Parker and/or Frye does not describe, teach or suggest these limitations. Thus, for at least this reason, the Applicants respectfully submit that the proposed combinations do not render any of the pending claims unpatentable.

In general, the Office Action makes various statements regarding claims 1-33 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

Appln. No. 10/675,410  
Amendment Under 37 C.F.R. § 1.114  
October 29, 2008

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, including the fees for Request for Continued Examination and the request for the one month extension of time, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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